

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

JUAN CORDERO VARGAS

Criminal Matter No. 07-736 (PGS)

ORDER

WHEREAS having reviewed the sentencing judgement entered January 30, 2008 in the above matter and finding that there may have been insufficient proof of the infringement amount used to determine the sentence; and

WHEREAS this Court is mindful of decisions in cases such as *U.S. v. Sung*, 51 F.3d 92, 95-96 (7th Cir. 1995) and *U.S. v. Guerra*, 293 F.3d 1279, 1292-93 (11th Cir. 2002) wherein Circuit Courts advised District Courts to more carefully determine the infringement amounts; and

WHEREAS this Court is mindful of alternative methods for determining the retail value for compact discs sold in the market at issue other than that set forth by the government. *See, e.g., In re Compact Disc Minimum Advertised Price Antitrust Litigation*, 216 F.R.D. 197, 209-10 (D. Me. 2003);

It is on this 2nd day of July 2008 hereby ORDERED that Defendant's sentence is vacated and that on July 14, 2008 at 1:00 pm a hearing will be conducted to redetermine Defendant's sentence, if necessary. The parties may submit briefs of no more than 10 pages on or before July 12, 2008.



PETER G. SHERIDAN, U.S.D.J.